

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS & AMENDMENTS

Claims 1-11 were pending in this application when last examined.

Claims 1 and 6-9 were examined on the merits. Claims 1 and 6-8 were rejected and claim 9 was objected to.

Claims 2-5 and 10-11 were withdrawn as non-elected subject matter. Applicants note that on page 1 of the Office Action claims 6-7 were erroneously indicated as withdrawn.

Claim 9 is cancelled without prejudice or disclaimer thereto.

Claims 1, 6, 7 and 8 are amended to clarify the claimed invention.

No new matter has been added.

II. OBJECTIONS

In item 4 on page 2 of the Office Action, claim 9 was objected to. In order to expedite allowance, this claim has been cancelled and therefore this objection is moot.

Also, in item 4 on page 2, the specification was objected to. Such objected to informalities have been corrected in the above amendments to the specification and therefore this objection is moot.

III. INDEFINITENESS REJECTION

In item 7-8 on page 3 of the Office Action, claims 1 and 6-8 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for the term "significantly higher". The rejected claims have been amended to recite "higher". Thus, this rejection has been overcome and should be withdrawn.

IV. ENABLEMENT REJECTION

In item 10 on pages 4-11 of the Office Action, claims 1 and 6-8 were again rejected under 35 U.S.C. § 112, first paragraph, for nonenablement. Applicants respectfully traverse this rejection.

In the claimed method, expression levels of HRF gene is measured in endometriotic tissue or menstrual blood.

The specification describes the measurement of such gene in endometriotic tissue. Please see paragraph “2-2. HRF overexpression in endometriosis implant” on page 28. In this paragraph, HRF expression levels were compared among:

- (1) normal endometrial tissue;
- (2) eutopic endometrial tissue from an endometriosis patient; and
- (3) an endometriosis implant.

The disease progresses from tissue (1) to (3). Further, as shown on page 28, Applicants note that higher HRF expression was observed in tissue (3). Also, on page 7, lines 22-24, it is indicated that a high correlation exists between the advancement of endometriosis and HRF expression levels.

Therefore, given this high correlation confirmed by experimental results, a person of skill in the art could practice the claimed invention without undue experimentation.

Furthermore, as to the claimed method regarding menstrual blood, herein enclosed is a Declaration from one of the inventors showing the results of HRF expression levels in menstrual blood. The results of this Declaration confirm that HRF expression is much higher in endometriosis patients. Thus, a person of skill in the art would understand that the skilled artisan could practice the claimed invention without undue experimentation.

Thus, Applicants respectfully suggest that this enablement rejection is untenable and should be withdrawn.

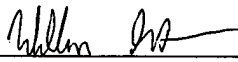
CONCLUSION

In view of the foregoing amendments and remarks, that the present application is in condition for allowance and notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned at the telephone number below.

Respectfully submitted,

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ATTACHMENT

1. Declaration – Masahiko KURODA, executed June 27, 2008